

03-31-06

AF 11W
PTO/SB/21 (09-04)

TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission	6	Attorney Docket Number	21756-013600
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ENCLOSURES (Check all that apply)			
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input checked="" type="checkbox"/> Petition To Director of Tech Center 2100 under 37 CFR 1.181 (3 pages) with enclosure (2 pages) <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): <input type="checkbox"/> Return Postcard	Remarks: The Commissioner is authorized to charge any additional fees to Deposit Account 20-1430.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Townsend and Townsend and Crew LLP		
Signature			
Printed name	William J. Daley		
Date	March 29, 2006	Reg. No.	52,471

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By: Sara B. McPeak
Sara B. McPeak

PATENT
Docket No.: 21756-013600
Client Ref. No.: OID-2005-162-12

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Richard P. Sinn

Application No.: 09/998,914

Filed: November 30, 2001

For: OBTAINING AND MAINTAINING
REAL TIME CERTIFICATE STATUS

Customer No. 51206

Confirmation No. 4276

Examiner: Christian A. Laforgia

Art Unit: 2131

PETITION TO DIRECTOR OF
TECHNICAL CENTER 2100 UNDER 37
C.F.R. § 1.181

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Final Office Action mailed January 30, 2006 on the above-referenced application, this Petition to the Director of Technical Center 2100 under 37 C.F.R. §1.181 is being filed contemporaneously with an Amendment Under 37 C.F.R. §1.116 Expedited Procedure Examining Group 2131. Applicant respectfully submits that a Requirement for Information under 37 C.F.R. 1.105 in the Final Office Action mailed January 30, 2006 is improper and therefore requests that the Requirement be withdrawn.

The Final Office Action has made a Requirement for Information under 37 C.F.R. §1.105 regarding five (5) references (the "SiteMinder documents") originally cited in an Information Disclosure Statement filed by the Applicants on March 12, 2004. More

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specifically, the Requirement for Information as stated in the Final Office Action requests, because of the voluminous nature of the references, an explanation of the references. Furthermore, the Final Office Action states that the references have been "placed in the application file, but the information referred to therein has not been considered."

However, the first Office Action dated July 14, 2005 included a copy of the Applicant's Information Disclosure Statement in which the SiteMinder documents were cited. In this copy, dated July 8, 2005, the SiteMinder documents were initialed and the Information Disclosure Statement was signed by the Examiner indicating that the references had in fact been considered. Attached is a copy of the Information Disclosure Statement filed by the Applicant, signed and dated by the Examiner July 8, 2005, wherein the Examiner had initialed all of the five (5) SiteMinder documents.

Additionally, as stated in MPEP §704.11(b):

"A requirement may be made at any time once the necessity for it is recognized and should be made at the earliest opportunity after the necessity is recognized. **The optimum time for making a requirement is prior to or with a first action on the merits** because the examiner has the maximum opportunity to consider and apply the response. Ordinarily, **a request for information should not be made with or after a final rejection.**" [emphasis added]

Applicant respectfully argues that if there was a necessity for such information it should have been recognized prior to issuance of the first Office Action and therefore the Requirement for Information should have been made in the first Office Action. Rather, the first Office Action included a signed copy of the Information Disclosure Statement filed by the Applicant with the SiteMinder references initialed indicating that the references had in fact been considered even without the newly required information and in spite of the voluminous nature of the references. Therefore, the Applicant believes that the Requirement for Information is improper and should be withdrawn.

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Furthermore, Applicant respectfully argues that the Requirement for Information is not proper as it is made in the Final Office Action. Regarding a Requirement for Information made with or after a final rejection, MPEP §704.11(b) goes on to state:

"A requirement for information is not proper when no further action would be taken by the examiner. The reasonable necessity criteria for a requirement for information implies further action by the examiner. This means that **actions in which requirements for information necessary for examination are made should generally be a non-final action because the applicant's reply must be considered** and applied as appropriate." [emphasis added]

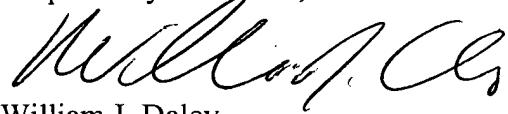
For at least these reasons, Applicant believes that the Requirement for Information is improper. Therefore, Applicant respectfully requests withdrawal of this Requirement for Information.

The Commissioner is authorized to deduct any Fee for this Petition to Director from the undersigned's Deposit Account No. 20-1430. Please deduct any additional fees from, or credit any overpayment to, the above-noted Deposit Account.

CONCLUSION

If the Director believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at: 303-571-4000.

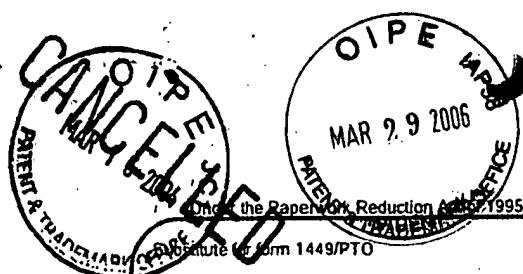
Respectfully submitted,



William J. Daley
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Enclosure
60734746 v1



PTO/SB/08B (08-03)

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INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use as many sheets as necessary)

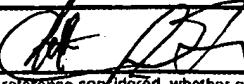
Sheet	1	of	2	Attorney Docket Number	OBX-01039US0
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Complete if Known

Application Number	09/998,914
Filing Date	November 30, 2001
First Named Inventor	Sinn
Art Unit	2182
Examiner Name	
RECEIVED MAR 17 2004 Technology Center 2100	

NON PATENT LITERATURE DOCUMENTS

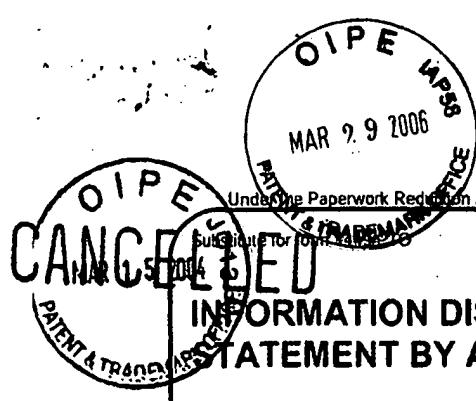
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
CGT		LEON, McAfee's NetTools Promises to Ease Network Desktop Diagnosis, InfoWorld, San Mateo, 7/24/1995, Vol. 17, Iss. 30, p. 53.	
CGT		COONEY, IBM rolls out host- and server-based mgmt. apps, Network World, Framingham, 2/6/1995, Vol. 12, Iss. 6, pp. 6-7.	
CGT		WALSH, Remedy releases three applications for help-desk suite, InfoWorld, San Mateo, 4/21/1997, Vol. 19, Iss. 16, p. 34.	
CGT		SCHMERSAL, Testing to maintain service standards, Communications News, Nokomis, Mar. 1998, Vol. 35, Iss. 3, pp. 22-23.	
CGT		MUSTHALER, The trouble with help desk selection, Network World, Framingham, Feb. 20, 1995, Vol. 12, Iss. 8, pp. 35-39.	
CGT		Clear Trust, Unified Access Management, Securant Technologies, Inc., pp. 1-23, 1997.	
CGT		SiteMinder Agent Operations, Version 4.0, Netegrity Inc., 1997	
CGT		SiteMinder Deployment Guide, Version 4.0, Netegrity Inc., 1997	
CGT		SiteMinder Policy Server Operations Guide, Version 4.0, Netegrity Inc., 1997	
CGT		SiteMinder Developer's API Guide, Version 4.0, Netegrity Inc., 1997	

Examiner Signature		Date Considered	7/18/05
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

1 Applicant's unique citation designation number (optional). 2 Applicant is to place a check mark here if English language Translation is attached.
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INFORMATION DISCLOSURE STATEMENT BY APPLICANT

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 INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>		Complete if Known	
		Application Number	09/998,914
		Filing Date	November 30, 2001
		First Named Inventor	Sinn
		Art Unit	2182
		Examiner Name	Technology Center 2000
			
Sheet	2	of	2
		Attorney Docket Number	OBLX-01039US0

NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
<i>CF</i>		SiteMinder Installation Guide, Version 4.0, Netegrity Inc., 1997	

Examiner Signature		Date Considered	7/18/08
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***EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.**

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